REMARKS

Claims 1, 11, 20, 25, 34, 41, 44, 52 and 55 are amended. Claims 1-57 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests withdrawal of the rejections and forwarding of the application on to issuance.

Drawing Objections

The Office objects to the drawings because the Office believes the numerical designator "510" in Fig. 11 does not appear in the Specification. Applicant respectfully directs the Office's attention to page 26, line 23 where the designator "510" appears. Accordingly, Applicant respectfully requests that the Office's objection be withdrawn.

The § 102/103 Rejections

Claims 1-2, 5, 8-12, 15, 18-22, 25-30, 32-37 and 40-54 stand rejected under 35 U.S.C. § 102(e) as being anticipated by over U.S. Patent No. 6,177,931 to Alexander et al. (hereinafter "Alexander").

Claims 3-4, 13-14, 31, and 38-39 stand rejected under 35 U.S.C. § 103(a) as being obvious over Alexander in view of U.S. Patent No. 5,561,457 to Cragun et al. (hereinafter "Cragun").

Claims 6-7, 16-17 and 55-57 stand rejected under 35 U.S.C. § 103(a) as being obvious over Alexander in view of U.S. Patent No. 5,867,205 to Harrison.

Claims 23-24 stand rejected under 35 U.S.C. § 103(a) as being obvious over Alexander.

Before discussing the substance of the Office's rejections, the following discussion of Applicant's disclosure as well as the references to Alexander, Cragun and Harrison is provided in an attempt to assist the Office in appreciating the patentable distinctions between Applicant's claimed subject matter and the cited references.

Applicant's Disclosure

Applicant's disclosure describes various viewing management methods and systems for managing viewing of multiple live electronic presentations. In one described embodiment, viewers are given an opportunity to register their preferences for viewing certain events that can occur within a plurality of different electronic presentations. The selected electronic presentations are simultaneously monitored, during their broadcast, while a viewer might be watching only one of the electronic presentations. When one or more of the viewer-defined events is detected, the viewer is notified that the event is taking place.

Applicant's disclosure instructs, starting on page 8, line 17, that in one embodiment, each viewer is given an opportunity to register with an encoder/server 14 (Fig. 1) for notifications concerning multiple live electronic broadcasts. Registration takes place in the form of a viewer request that is formulated by the viewer and passed on to the encoder/server.

Once the viewer requests are received by the encoder/server 14, it creates entries in a database 18 that it manages. Each of the entries corresponds to a particular viewer's choices. As the sources 16 broadcast

their particular presentations, events are triggered and sent by the sources to the encoder/server 14. *These triggered events describe some current aspect of the electronic presentation.* For example, if Tiger Woods is getting ready to tee off on the 16th hole, the event that might be triggered by the source and sent to the encoder/server 14 might be "Woods tee off on 16th". Once the encoder/server receives the triggered event, it conducts a search of the database 18 to identify all of the viewers that have registered for notification. Once the viewers are identified, individual notifications are sent from the encoder/server 14 to the client viewing devices 12.

Consider now an exemplary database that facilitates searching and notification of viewers. Specifically, Fig. 6 illustrates entries in an exemplary live content database, such as database 30 (Fig. 4) generally at 210. The live content database 210 maintains current, up-to-the-minute information on electronic presentations that are about to be or are being broadcast by various sources. The live content information that is managed in this database can come from, or be associated with many sources that are monitored by the server 14. In the illustrated example, three fields are provided, i.e. a presentation field 212, a topic field 214, and an events field 216.

The presentation field 212 includes the name or title of the current electronic presentation or program that is being broadcast by a source. In the illustrated example, there are a number of different presentations or programs that are being monitored. As these programs are being broadcast, information is regularly received by the server 14 or encoder. ***This information can describe what is taking place during the broadcast.***

This information is used to continuously update the database so that viewer notifications can be sent in a timely manner.

The topic field 214 identifies the various topics that are currently being presented for the various programs. These topics can, but need not necessarily change during a particular program. In the illustrated example, weather is currently being presented on CNN. Similarly, gorillas are currently being discussed on National Geographic Explorer.

The events field 216 identifies the current events that are being presented on the various programs. For example, the Hurricane Buster is the current event within the weather topic on CNN. Similarly, on Monday Night Football, it is currently 2nd down and the Steelers have the ball on their 40 yard line.

The data or information in the topic field 214 and the events field 216 can be generated manually or automatically. Manual generation refers to an individual (e.g., a presentation author) creating the data. ***For example, the author may write a summary or a list of key words for the presentation and provide them to server 14 (either directly or via an encoder 26).***

Automatic generation refers to one of the components, such as an encoder 26 or server 14, ***using any of a variety of mechanisms to generate data describing the presentation as the presentation occurs.***

Notice that the data or information that appears in the topic and events fields 214, 216 does not comprise the *actual content* that can be presented to a viewer. Rather, it comprises data that *describes* content that is currently being broadcast.

The Alexander Reference

Alexander discloses electronic program guide (EPG) methods and systems that enable viewer interaction capabilities with the EPG. Alexander's methods and systems have a number of features that are not germane to the claimed subject matter. It appears that much of the processing that takes place to identify programs of interest for particular viewers concern the programs' titles. These program titles comprise content that is presented to the viewer.

For example, under the heading "Watch Scheduling Function" (column 8, starting at line 5), Alexander instructs as follows. In the Watch Scheduling Function, also referred to as the Watch Function, the viewer instructs the EPG what programs to add to the Watch List, which is the *list of programs* and related programming schedule information, for programs that the viewer want to watch.

Alexander further instructs in column 9, starting at line 65 that the EPG provides the viewer with the opportunity to select *program titles*, scheduled for delivery at future times, to watch. By selecting *program titles*, the viewer builds a "watch list."

In addition, as the Office notes, Alexander describes developing viewer profile information. See, e.g. column 28, starting at line 12. The viewer profile information is used to customize various aspects of the EPG. For example, in column 30, starting at around line 45, Alexander instructs that viewer profile information can be used to present, via the EPG, the user's favorite channels or to tune the television to a particular

channel during a time period when the user typically views that channel. Alexander further goes on to describe how the viewer profile information can be used in connection displaying particular types of advertisements for the user. See, e.g. column 31, lines 9-24.

The Cragun Reference

Cragun describes a television presentation and editing system that uses closed captioning text to locate items of interest. Cragun instructs that a closed captioning decoder extracts a closed captioning digital text stream from a television signal. A viewer specifies one or more keywords to be used as search parameters and a digital processor executing a control program scans the closed captioning digital text stream for words or phrases matching the search parameters. The corresponding segment of the television broadcast may then be displayed, edited or saved.

Cragun instructs that the closed captioning information is typically a simplified version of the spoken words being transmitted by the audio portion of the video signal. See, e.g. column 2, lines 26-37. Closed captioning information is typically scrolled or presented to the viewer across the bottom of a television.

The Harrison Reference

Harrison discloses a signal processing unit that analyzes textual information decoded from a number of channels of a communication signal to determine if channel contents of the channels are among channel contents defined by so-called selection data. Harrison specifically

instructs that the textual information is derived from closed-captioned data that is displayed (or presented to the user) on the television screen. See, e.g. column 3, line 58 through column 4, line 5.

The Claims

Claim 1 has been amended and recites a viewing management method for managing viewing of multiple live electronic presentations, comprising [added language appears in bold italics]:

- simultaneously monitoring two or more electronic presentations that are concurrently broadcast, ***wherein said monitoring comprises monitoring data that does not comprise content that can be presented to a viewer***; and
- automatically switching between displays of the two or more electronic presentations based upon viewer-defined preferences.

In making out the rejection of this claim, the Office argues that Alexander anticipates this claim's subject matter, citing to column 29, lines 14-21, column 31, lines 25-52, and column 14, lines 58-67 for support. These excerpts are set forth below for the convenience of the Office:

> The viewer profile information (data collected concerning, and surrounding, a viewer's interaction with the television, the EPG (including the recording and watching functions), the Internet, the World Wide Web, and any other sources of information external to the EPG, but through which the viewer interact)) can be sent to a computer at the head end of television distribution for analysis, or in the alternative, can be analyzed by the EPG.

Column 29, lines 14-21.

At the viewer's option, the EPG and Profile Program use the basic viewer profile data, the simple statistics collected about a particular viewer, Viewer Preferences and Viewer Characteristics to populate the Record List and/or the Watch List with programs that are likely to suit the viewer's interests. In one embodiment, searches for this type of information are conducted at a central computer at the head end. In another embodiment, queries are constructed and fed to an Internet search engine.

At the viewer's option, the EPG and Profile Program use the basic viewer profile data, the simple statistics collected about a particular viewer, Viewer Preferences and Viewer Characteristics to search for news stories that are likely to suit the viewer's interests. The problem that is solved is automatically (without an editorial staff) choosing news stories from multiple news feeds for display to a particular viewer in a news service. The content of the audio portion of the news broadcast is digitized and can be stored at a central computer, on one or more web sites, on DVD's (both video and audio recordings) local to the particular viewer's television system, or in memory at the particular viewer's television system. In addition to the audio content, video recordings of the news stories can also be stored.

The Viewer's Profile, and in some embodiments, specific input from the viewer, is then used to construct data-mining search queries to locate and deliver content that matches the viewer's profiled interests and/or the viewer's specific requests for information.

Column 31, lines 25-52.

Another example would be to notify the viewer that a program that may be of interest (e.g., as determined from analyzing the Viewer's Profile) will be broadcast on another channel within a certain amount of time, e.g., 2 minutes. The EPG could then ask if the viewer wants to view the program on the other channel. If the viewer indicates that the viewer wants to watch the program on the other channel, then the EPG will automatically tune to the other channel at the appropriate time.

Column 14, lines 58-67.

None of the excerpts cited by the Office disclose or suggest simultaneously monitoring two or more electronic presentations that are concurrently broadcast, wherein the monitoring comprises monitoring data ***that does not comprise content that can be presented to a viewer.*** Rather, Alexander discloses a system that appears to utilize, as a basis to identify programs of interest, data that comprises content that is presented to the viewer—whether that content be the program's title or textual content that is visually displayed for viewers. In point of fact, it would appear that Alexander teaches directly away from the subject matter of this claim.

As such, Alexander does not anticipate or render obvious the subject matter of this claim. As such, this claim is allowable.

Claims 2-10 depend from claim 1 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested in the references cited and applied by the Office. In addition, given that Alexander does not anticipate this claim, the rejections of claims 3 and 4 over the combination of Alexander and Cragun, and claims 6 and 7 over the combination of Alexander and Harrison are not seen to add anything of significance.

Claim 11 has been amended and recites A viewing management method for managing viewing of multiple live electronic presentations, comprising [added language appears in bold italics]:

- simultaneously monitoring two or more electronic presentations that are concurrently broadcast, ***wherein said***

monitoring comprises monitoring data that does not comprise content that can be presented to a viewer; and

- automatically notifying a viewer when one or more of the electronic presentations satisfies a viewer-defined preference.

In making out the rejection of this claim, the Office argues that Alexander anticipates this claim's subject matter and refers to the rejection of claim 1.

As noted above, none of the excerpts cited by the Office disclose or suggest simultaneously monitoring two or more electronic presentations that are concurrently broadcast, wherein the monitoring comprises monitoring data ***that does not comprise content that can be presented to a viewer.*** Rather, Alexander discloses a system that appears to utilize, as a basis to identify programs of interest, data that comprises content that is presented to the viewer—whether that content be the program's title or textual content that is visually displayed for viewers. In point of fact, it would appear that Alexander teaches directly away from the subject matter of this claim.

As such, Alexander does not anticipate or render obvious the subject matter of this claim. As such, this claim is allowable.

Claims 12-19 depend from claim 11 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 11, are neither disclosed nor suggested in the references cited and applied by the Office. In addition, given that Alexander does not anticipate this claim, the rejections of claims 13 and 14 over the

combination of Alexander and Cragun, and claims 16 and 17 over the combination of Alexander and Harrison are not seen to add anything of significance.

Claim 20 has been amended and recites one or more programmable computers having instructions which, when executed by the one or more computers implement a viewing management method for managing viewing of multiple live electronic presentations comprising [added language appears in bold italics]:

- sending at least one viewer request to an encoder, the viewer request containing one or more viewer-defined preferences that relate to one or more events that can occur in one or more electronic presentations;
- evaluating, with the encoder, one or more electronic presentations that are being broadcast to determine whether any of the viewer-defined preferences are satisfied, ***wherein said evaluating comprises at least monitoring data that does not comprise content that can be presented to a viewer***; and
- if a viewer-defined preference is satisfied by one or more of the electronic presentations, notifying a viewer that is associated with the viewer-defined preference that was satisfied.

In making out the rejection of this claim, the Office argues that Alexander anticipates this claim's subject matter.

None of the excerpts cited by the Office disclose or suggest evaluating, with an encoder, one or more electronic presentations that are being broadcast to determine whether any of the viewer-defined preferences are satisfied, wherein the evaluating comprises at least

monitoring data that does not comprise content that can be presented to a viewer.

Rather, Alexander discloses a system that appears to utilize, as a basis to identify programs of interest, data that comprises content that is presented to the viewer—whether that content be the program's title or textual content that is visually displayed for viewers. In point of fact, it would appear that Alexander teaches directly away from the subject matter of this claim.

As such, Alexander does not anticipate or render obvious the subject matter of this claim. As such, this claim is allowable.

Claims 21-24 depend from claim 20 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 20, are neither disclosed nor suggested in the references cited and applied by the Office. In addition, given that Alexander does not anticipate this claim, the rejections of claims 23 and 24 as being obvious over Alexander fails to establish a *prima facie* case of obviousness.

Claim 25 has been amended and recites a viewing management method for managing viewing of multiple live electronic presentations, comprising [added language appears in bold italics]:

- receiving one or more viewer requests from one or more viewers, the viewer requests containing viewer-defined preferences that are to be used to evaluate a plurality of different live electronic presentations;
- evaluating a plurality of live electronic presentations using the viewer-defined preferences, ***wherein said evaluating***

comprises at least monitoring data that does not comprise content that can be presented to a viewer; and

- in the event that one or more of the viewer-defined preferences is satisfied, notifying at least one viewer that is associated with the viewer-defined preference that is satisfied.

In making out the rejection of this claim, the Office argues that Alexander anticipates this claim's subject matter.

None of the excerpts cited by the Office disclose or suggest evaluating a plurality of live electronic presentations using the viewer-defined preferences, wherein the evaluating comprises at least ***monitoring data that does not comprise content that can be presented to a viewer.***

Rather, Alexander discloses a system that appears to utilize, as a basis to identify programs of interest, data that comprises content that is presented to the viewer—whether that content be the program's title or textual content that is visually displayed for viewers. In point of fact, it would appear that Alexander teaches directly away from the subject matter of this claim.

As such, Alexander does not anticipate or render obvious the subject matter of this claim. As such, this claim is allowable.

Claims 26-33 depend from claim 25 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 25, are neither disclosed nor suggested in the references cited and applied by the Office. In addition, given that Alexander does not anticipate this claim, the rejection of claim 31 as being obvious over the

combination of Alexander and Cragun is not seen to add anything of significance.

Claim 34 has been amended and recites a viewing management method for managing viewing of multiple live electronic presentations, comprising [added language appears in bold italics]:

- creating a viewer request that contains one or more viewer-defined preferences for use in evaluating one or more live electronic presentations;
- sending the viewer request to one or more computing devices; and
- evaluating one or more electronic presentations with the one or more computing devices in light of the one or more viewer-defined preferences, ***wherein said evaluating comprises at least monitoring data that does not comprise content that can be presented to a viewer.***

In making out the rejection of this claim, the Office argues that Alexander anticipates this claim's subject matter.

None of the excerpts cited by the Office disclose or suggest evaluating one or more electronic presentations in light of one or more viewer-defined preferences, wherein the evaluating comprises at least ***monitoring data that does not comprise content that can be presented to a viewer.***

Rather, Alexander discloses a system that appears to utilize, as a basis to identify programs of interest, data that comprises content that is presented to the viewer—whether that content be the program's title or textual content that is visually displayed for viewers. In point of fact, it

would appear that Alexander teaches directly away from the subject matter of this claim.

As such, Alexander does not anticipate or render obvious the subject matter of this claim. As such, this claim is allowable.

Claims 35-40 depend from claim 34 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 34, are neither disclosed nor suggested in the references cited and applied by the Office. In addition, given that Alexander does not anticipate this claim, the rejections of claims 38 and 39 as being obvious over the combination of Alexander and Cragun is not seen to add anything of significance.

Claim 41 has been amended and recites an interactive network comprising [added language appears in bold italics]:

- one or more client viewing devices; and
- one or more computing devices communicatively linked with the one or more client viewing devices, the computing devices being programmed to:
  - simultaneously monitor one or more electronic presentations that are concurrently broadcast ***by at least monitoring data that does not comprise content that can be presented to a viewer***; and
  - automatically send a notification to one or more of the client viewing devices when one or more of the electronic presentations satisfies one or more viewer-defined preference that is defined by a viewer of the one or more client viewing devices.

In making out the rejection of this claim, the Office argues that Alexander anticipates this claim's subject matter.

None of the excerpts cited by the Office disclose or suggest simultaneously monitoring one or more electronic presentations that are concurrently broadcast ***by at least monitoring data that does not comprise content that can be presented to a viewer.***

Rather, Alexander discloses a system that appears to utilize, as a basis to identify programs of interest, data that comprises content that is presented to the viewer—whether that content be the program's title or textual content that is visually displayed for viewers. In point of fact, it would appear that Alexander teaches directly away from the subject matter of this claim.

As such, Alexander does not anticipate or render obvious the subject matter of this claim. As such, this claim is allowable.

Claims 42 and 43 depend from claim 41 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 41, are neither disclosed nor suggested in the references cited and applied by the Office.

Claim 44 has been amended and recites a viewing management method for managing viewing of multiple live electronic presentations, comprising [added language appears in bold italics]:

- monitoring viewing habits of one or more viewers of live electronic presentations to determine particular events within

the electronic presentations that the viewers are likely to want to view;

- ***ascertaining from data that does not comprise content that can be presented to a viewer, whether said one or more viewers would likely want to view a particular event; and***
- notifying one or more viewers when it appears that an event is occurring within an electronic presentation that the viewer is not viewing but would likely want to view.

In making out the rejection of this claim, the Office argues that Alexander anticipates this claim's subject matter.

None of the excerpts cited by the Office disclose or suggest ***ascertaining from data that does not comprise content that can be presented to a viewer, whether one or more viewers would likely want to view a particular event.***

Rather, Alexander discloses a system that appears to utilize, as a basis to identify programs of interest, data that comprises content that is presented to the viewer—whether that content be the program's title or textual content that is visually displayed for viewers. In point of fact, it would appear that Alexander teaches directly away from the subject matter of this claim.

As such, Alexander does not anticipate or render obvious the subject matter of this claim. As such, this claim is allowable.

Claims 45-51 depend from claim 44 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 44, are neither disclosed nor suggested in the references cited and applied by the Office.

Claim 52 has been amended and recites an interactive network comprising [added language appears in bold italics]:

- one or more client viewing devices; and
- one or more computing devices communicatively linked with the one or more client viewing devices, the computing devices being programmed to:
  - monitor viewing habits of one or more viewers of live electronic presentations to determine particular events within the electronic presentations that the viewers are likely to want to view;
  - ***ascertain from data that does not comprise content that can be presented to a viewer, whether said one or more viewers would likely want to view a particular event; and***
- notify one or more viewers when it appears that an event is occurring within an electronic presentation that the viewer is not viewing but would likely want to view.

In making out the rejection of this claim, the Office argues that Alexander anticipates this claim's subject matter.

None of the excerpts cited by the Office disclose or suggest a network that ***ascertains from data that does not comprise content that can be presented to a viewer, whether one or more viewers would likely want to view a particular event.***

Rather, Alexander discloses a system that appears to utilize, as a basis to identify programs of interest, data that comprises content that is presented to the viewer—whether that content be the program's title or textual content that is visually displayed for viewers. In point of fact, it would appear that Alexander teaches directly away from the subject matter of this claim.

As such, Alexander does not anticipate or render obvious the subject matter of this claim. As such, this claim is allowable.

Claims 53 and 54 depend from claim 52 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 52, are neither disclosed nor suggested in the references cited and applied by the Office.

Claim 55 has been amended and recites a user interface for use in an interactive entertainment system comprising:

- a processor;
- an application executing on the processor and configured to present plurality of fields, one of which displaying a number of titles of programs that can be selected by a viewer, another of which displaying indicia that can be selected to define viewer preferences for simultaneously monitoring two or more of the programs that are selected by the viewer, ***wherein said monitoring comprises monitoring at least data that does not comprise content that can be presented to the viewer***; and
- an input device operable to enable a user to select a particular electronic presentation for continuous play viewing.

In making out the rejection of this claim, the Office argues that its subject matter is obvious in view of the combination of Alexander and Harrison. Applicant disagrees.

Specifically, neither Alexander nor Harrison disclose or suggest simultaneously monitoring two or more programs that are selected by a

viewer, ***wherein the monitoring comprises monitoring at least data that does not comprise content that can be presented to the viewer.***

Rather, the references either singly or in combination disclose systems that appear to utilize, as a basis to identify programs of interest, data that comprises content that is presented to the viewer—whether that content be the program's title or textual content that is visually displayed for viewers. In point of fact, these references teach directly away from the subject matter of this claim.

As such, the Office has failed to establish a *prima facie* case of obviousness. Accordingly, this claim is allowable.

Claims 56 and 57 depend from claim 55 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 55, are neither disclosed nor suggested in the references cited and applied by the Office.

Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully submitted,

Dated: 10/6/04

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